

## **Suing Environmental Permit: Challenges in Indonesia Administrative Litigation**

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### **ABSTRACT**

Environmental Impact Assessment (EIA) is a crucial preventive tools stated in Indonesia Law No. 32 year 2009 on Environmental Protection and Management. Environmental feasibility based on proper EIA study is a requirement to issue environmental permit. Environmental permit issued without EIA is a clear violation of the law and subject to be challenged in administrative court. However, in many cases, the problem is not that environmental permit is issued without EIA, but the permit is issued without proper EIA – both procedurally and/or substantially - , yet the environmental feasibility is still issued. The litigation of the latter case face more difficult challenge in practice. Based on recent cases, this research identify several challenges in administrative litigation on environmental permit with EIA problem as the base of the lawsuit. There are five challenges discussed in this paper namely: a) legal standing; b) measure of adequate participation; c) injunction; d) trial on EIA substance; and e) government manuever and meaningful execution of court decision. This paper conclude that eventhough the flaw in the law is one of the problem, the way the law is understood and exercised and the political will of the government are the bigger issue in facing these challenges.